IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 9TH JANUARY 2007 / 19TH PAUSHA 1928

Crl.MC.No. 65 of 2007()

AGAINST THE ORDER DATED 19/12/2006 IN CRMP.3499/06 IN CRA.1202/2006 of SESSIONS COURT, TRIVANDRUM
SC.625/2004 of ASSISTANT SESSIONS COURT, NEYYATTINKARA

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PETITIONER: PETITIONER/APPELLANT/ACCUSED:

SAJIKUMAR, S/O. RAJAPPAN,
ARYA BHAVAN, ADUVATH, MUKKUNDARA DESOM,
KALLIKKADU VILLAGE, THIRUVANANTHAPURAM.

BY ADV. SRI.M.DINESH

RESPONDENTS: RESPONDENT/RESPONDENT/COMPLAINANT:

THE STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.GIKKU JACOB

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 09/01/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

Crl.M.C.No.65 of 2007

Dated this the 9th day of January, 2007

ORDER

The petitioner had been found guilty, convicted and sentenced in a prosecution under Section 55(a) of the Kerala Abkari Act. He preferred an appeal. In the appeal, the learned Sessions Judge suspended the sentence subject to conditions. It was directed that the petitioner must deposit one fourth of the fine amount of Rs.1 lakh and execute a bond.

2. The petitioner has come to this Court with this petition under Section 482 Cr.P.C complaining that the condition imposed by the learned Sessions Judge is onerous. He prays that the condition may be deleted or modified.

3. Having heard the learned counsel for the petitioner, I am satisfied that the petitioner can be granted 2 months' time from this date to pay 25% of the fine amount as directed by the learned Sessions Judge. If the petitioner is unable to raise the amount, he may apply sufficiently early to the learned Sessions Judge for an out of turn expeditious disposal of the appeal. If such application is filed, the learned Sessions Judge must dispose of the appeal, within a period of 2 months. I am satisfied, that the interests of justice will be served ideally by the above direction.

4. This Crl.M.C is, in these circumstances, allowed in part to the above extent. Hand over a copy of this order to the learned counsel for the petitioner for immediate production before the learned Sessions Judge.

(R.BASANT, JUDGE)

rtr/-